

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU2007/001936

A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl.

A61M 16/06 (2006.01)

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

DWPI IPC A61M, A62B +keywords: mask, foam and similar terms

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2003/0168063 A1 (GAMBONE et al) 11 September 2003 Paragraphs 18, 36, 41 and 49	1-7, 9-12, 14-74, 81-91
X	EP 0 427 474 A2 (SMITHS INDUSTRIES MEDICAL SYSTEMS INC.) 15 May 1991 Abstract, column 9 lines 58 to 62, column 3 lines 12 to 13	1-7, 9-12, 14-74, 81-91
X	US 6,196,223 B1 (BELFER et al) 6 March 2001 Column 7 line 21	1-7, 9-12, 14-74, 81-91
X	US 6,019,101 A (COTNER et al) 1 February 2000 Column 4 line 23, column 9 lines 58 to 62	1-7, 9-12, 14-74, 81-91

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Further documents are listed in the continuation of Box C

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See patent family annex

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"E" earlier application or patent but published on or after the international filing date

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"O" document referring to an oral disclosure, use, exhibition or other means

"&" document member of the same patent family

"P" document published prior to the international filing date but later than the priority date claimed

Date of the actual completion of the international search
04 March 2008

Date of mailing of the international search report
14 MAR 2007

Name and mailing address of the ISA/AU

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2005/053781 A1 (FISHER & PAYKEL HEALTHCARE LIMITED) 16 June 2005 Page 5 line 29	1, 4-7, 9-12, 14-21, 34, 37-46, 48-74, 81-91
P, X	WO 2007/145534 A1 (FISHER & PAYKEL HEALTHCARE LIMITED) 21 December 2007 Abstract	1-7, 9-12, 14-74, 81-91
A	US 4,264,743 A (MARUYAMA et al) 28 April 1981 Abstract	
A	WO 2004/078230 A2 (SUNRISE MEDICAL HHG INC) 16 September 2004 Abstract	
A	WO 2000/076568 A1 (MALLINCKRODT INC) 21 December 2000 Abstract	
A	US 2006/0060200 A1 (HO et al) 23 March 2006 Abstract	

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Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

First invention Claims 1-74 and 81-91

Second invention Claims 75-80

See extra sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1-74, 81-91

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

Supplemental Box

(To be used when the space in any of Boxes I to IV is not sufficient)

Continuation of Box No: III

This International Searching Authority has found that there are different inventions as follows:

- Claims 1-74 and 81-91 are directed to a respiratory mask with a foam cushion. It is considered that a respiratory mask with a foam cushion comprises a first distinguishing feature.
- Claims 75-80 are directed to a respiratory mask with a pair of tubes to delivery breathable gas and an adjustment mechanism. It is considered that a respiratory mask with pair of tubes comprises to deliver breathable gas and adjustment mechanism comprises a second distinguishing feature.

Each of the abovementioned groups of claims has a different distinguishing feature and they do not share any feature which could satisfy the requirement for being a special technical feature. Because there is no common special technical feature it follows that there is no technical relationship between the identified inventions. Therefore the claims do not satisfy the requirement of unity of invention *a priori*.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

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This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report			Patent Family Member		
US	2003168063	AU	2003297999	WO	2004052439
EP	0427474	CA	2019533	EP	0427473
		GB	2237811	GB	2237746
US	6196223	US	5918598		
US	6019101	AU	52420/98	WO	9818514
WO	2005053781	AU	2004294873	EP	1720593
WO	2007145534	US	2008041388		
US	4264743				
WO	2004078230	US	7044130	US	7219670
		US	2004211428	US	2004216746
		WO	2004078228	WO	2004078229
WO	0076568	CA	2376783	EP	1191967
		US	2002023647	US	6357440
US	2006060200	AU	2005332069	WO	2006127031
Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.					
END OF ANNEX					